

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Greater Houston Transportation Company;
Fiesta Cab Company; Houston Transportation
Services, LLC; National Cab Co., Inc.;
Pasadena Taxi Co., Inc.; Dawit Sahle; Mersha
Ayele; Mohamed Didi; Greater San Antonio
Transportation Company; Enterprise
Transportation Inc.,

Plaintiffs,

v.

Uber Technologies, Inc.; and Lyft, Inc.;

Defendants.

Case No. 4:14-cv-00941

**DEFENDANT UBER TECHNOLOGIES, INC.'S REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF MOTION TO DISMISS**

Defendant Uber Technologies, Inc. respectfully requests that the Court take judicial notice of a city ordinance and an insurance policy referenced throughout Plaintiffs' Second Amended Complaint ("SAC").

"When reviewing a motion to dismiss, a district court 'must consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss, in particular, documents incorporated into the complaint by reference, and matters of which a court may take judicial notice.'" *Funk v. Stryker Corp.*, 631 F.3d 777, 783 (5th Cir. 2011) (quoting *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007)).

"City ordinances are proper subjects for judicial notice." *Lamle v. City of Santa Monica*, 2010 WL 3734868, at *4 (C.D. Cal. July 23, 2010); *see also Ramos v. City of Laredo*, 2011 WL 649675, at *3 (S.D. Tex. Feb. 9, 2011) (taking judicial notice of the City of Laredo's Code of Ordinances); *Toney v. Burris*, 829 F.2d 622, 627 (7th Cir. 1987) (holding that federal courts may take judicial notice of city ordinances). Accordingly, the Court may take judicial notice of the following city ordinance: City of Houston Department of Administration & Regulatory Affairs, *Signed/Final Chapter 46 Vehicles for Hire Ordinance* (Aug. 6, 2014), retrieved from <http://www.houstontx.gov/ara/2014-754.pdf> on October 13, 2014. The ordinance is attached as Exhibit 1 to the Appendix to the Motion to Dismiss.

A court also may take judicial notice of documents incorporated by reference in the pleadings. *Funk*, 631 F.3d at 783 (stating court may consider "documents incorporated into the complaint by reference" on motion to dismiss). Uber's insurance policy applicable to uberX is incorporated by reference in the SAC, SAC ¶¶ 74–79, 82–87, and discussed extensively in the Gregory Serio Expert Witness Report attached to the SAC, at §§ V–VII. Accordingly, Uber requests that the Court take judicial notice of the insurance policy, which is attached as Exhibit 2 to the Appendix to the Motion to Dismiss.

DATED: October 17, 2014

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By /s/ Stephen A. Swedlow

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